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10/804,616	03/19/2004	Alex J. Simmons	60001.0302US01/MS302497.1	7864

7590 11/19/2008  
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EXAMINER
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SHAPIRO, LEONID

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



*Claim Rejections - 35 USC § 103*

*The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:*

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 45-53 rejected under 35 U.S.C. 103(a) as being unpatentable over Iwema et al. (US PGPub US2004/0021701 A1), in view of Lipton (5,757,383).

As to claims 45,48,51 Iwema et al. discloses a a computer-readable medium containing computer-executable instructions which when executed by a computer automatically adjust the electronic ink height, of an electronic highlighter device, comprising:

selecting an electronic pen for functioning as an electronic highlighter device (fig. 5, par. 0055);

engaging the electronic pen with a computer-displayed handwritten text selection (see FIGs. 5 and 10a and 10b) wherein determining the height of the computer-displayed handwritten text selection includes at least one member of a group (see FIG. 5) comprising; determining an average height of the computer-displayed handwritten text selection (see page 3 paragraph [0037] further see FIG. 5 describing vertical bounds at but not limited to page 5, paragraph [0055] further continued on page 6) without considering the length of any ascending or any descending character segment of any characters

Art Unit: 2629

comprising the computer-displayed handwritten text selection (see FIG. 5 further described at page 5, paragraph [0055]) and setting the electronic ink height of the electronic pen to the determined height (see Iwema at page 5, paragraph [0055] further illustrated in FIG 5).

Iwema does not explicitly teach setting the electronic ink height of the electronic pen to the determined height wherein the set electronic ink height of the electronic pen is configured, to highlight the average height of the computer-displayed handwritten text selection without highlighting any ascending, or descending character segments of any characters comprising the computer-displayed handwritten text selection.

Lipton teaches setting automatically the ink height of the pen to the determined height wherein the set ink height of the electronic pen is configured, to highlight the average height of the computer-displayed handwritten text selection without highlighting any ascending, or descending character segments of any characters comprising the computer-displayed handwritten text selection (figs. 3-4, col. 5, lines 27-37)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the electronic input device in the system of Iwema et al. with the selection methods of Lipton in order to increase legibility of selected typography (col. 1, lines 59-62 in the Lipton reference).

As to claims 47,50,53 Iwema et al. discloses the selecting an electronic pen for functioning as an electronic highlighter device includes selecting an

Art Unit: 2629

electronic mousing device for functioning as an electronic highlighter device (See Fig.5; page 6, paragraph 0056); and whereby engaging the electronic pen with a computer-displayed handwritten selection includes focusing a cursor of the electronic mousing device over the computer-displayed handwritten selection and clicking the electronic mousing device for distributing electronic ink onto the computer-displayed handwritten selection (See Fig.5; page 6, paragraph 0059).

As to claims 46,49,52 Iwema et al. teaches comprising distributing the electronic ink at the determined height onto the computer-displayed handwritten text selection (par 0055).

#### *Response to Arguments*

2. Applicant's arguments with respect to claim 45-53 have been considered but are moot in view of the new grounds of rejection.

#### ***Telephone inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

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11.13.08

/L. S./

Examiner, Art Unit 2629

/Richard Hjerpe/

Supervisory Patent Examiner, Art Unit 2629